

IN THE UNITED STATE DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION

CATLIN SPECIALTY INSURANCE
CO.,

Plaintiff

vs.

Case No. 5:17-cv-01432-HJN

JOSEPH J. JOHNSON d/b/a JJ'S
FUN & RECREATION CENTER,
KHLOE WALKER, TUNISHIA
MONIQUE ARMSTRONG, and
LARRY DONELL MALONE as
Administrator of the Estate of Larneal
Donell McDonald,

Defendants.

REPORT OF PARTIES' PLANNING MEETING

1. Pursuant to Fed.R.Civ.P. 26(f), a meeting was held on November 8, 2017, and was attended by:

- a. William E. Shreve, Jr., attorney for Plaintiff Catlin Specialty Insurance Company ("Catlin");
- b. Edward E. Wilson Jr., Counsel for Defendant JJ's;
- c. Douglas J. Fees, Counsel for Defendants Khloe Walker and Tunishia Monique Armstrong; and

d. Gary V. Conchin, Counsel for Defendant Larry D. Malone.

2. Description of the underlying event.

Plaintiff Catlin is requesting declaratory judgment that it does not owe insurance coverage to its insured, Joseph J. Johnson d/b/a JJ's Fun & Recreation Center, that it has no duty to indemnify or defend said insured for claims asserted in Madison County Circuit Court by defendants herein, Khloe Walker, by and through her mother and next friend, Tunishia Monique Armstrong and Larry Malone, as Administrator of the Estate of Larneal Donell McDonald. Defendant Joseph J. Johnson filed an Answer admitting no coverage exists under the policy for the claims at issue. Defendants Khloe Walker, Tunishia Monique Armstrong, Larry Donell Malone, as Administrator of the Estate of Larneal Donell McDonald, have filed Answers denying the material allegations contained in Plaintiff's Complaint.

3. Pre-Discovery Disclosures

The parties have exchanged the information required by Rule 26(a)(1).

4. Discovery Plan

The parties jointly propose to the Court the following discovery plan:

- a. Discovery will be sought on the following subjects: facts and issues related to the allegations of the Complaint and Answers.

- b. All discovery will be commenced in time to be completed by May 1, 2018.
- c. Maximum of thirty (30) interrogatories, including subparts, by each party to each party.
- d. Maximum of thirty (30) requests for admission, including subparts, by each party to each party.
- e. Maximum of thirty (30) requests for production of documents, including subparts, by each party to each party.
- f. Maximum of ten (10) depositions by Plaintiff and ten (10) depositions by Defendants.
- g. Reports obtained from experts under Rule 26(a)(2)(B) due:
 - i. from Plaintiff ninety (90) days prior to the dispositive motion deadline;
 - ii. from Defendant sixty (60) days prior to the dispositive motion deadline; and
- h. Supplementation under Rule 26(e), as provided by the *Federal Rules of Civil Procedure*, due fourteen (14) days after obtaining knowledge of the discoverable information, but no later than the discovery cut off deadline set by this Uniform Scheduling Order.

5. Other Items.

- a. The Plaintiff shall have until January 8, 2018, to join any additional parties. The Defendant shall have until February 8, 2018, to join any additional parties.
- b. Plaintiff shall have until January 8, 2018, to amend pleadings to add causes of action. The Defendant shall have until February 8, 2018, to amend the pleadings to add claims or defenses.

- c. All potentially dispositive motions should be filed no later than June 1, 2018.
- d. Mediation is likely to occur in the underlying actions. Catlin has denied a defense and indemnity, and it is uncertain whether Catlin will participate.
- e. The parties request a final pretrial conference at a date to be determined by the court when it enters the Rule 16(b) Uniform Scheduling Order (USO).
- f. Final lists of trial evidence under Rule 26(a)(3) shall be filed and served by the parties no later than sixty (60) days prior to trial.
- g. Objections to witnesses and exhibit lists are to be filed no later than seven (14) days after receipt of final lists.
- h. Any responses to objections to witness and exhibit lists shall be filed on or before 14 days after objections are to be filed.
- i. The parties anticipate this case being ready for trial by September 1, 2018. Trial is expected to last approximately three (3) days.
- j. The parties do not require a HIPAA protective order.
- k. The parties do not request a conference with the Court prior to entry of the scheduling order.
- l. The parties do not believe that production of electronically stored information (“ESI”) will be an issue in this case. To the extent the parties have ESI to produce, they will produce in hard copy format what is readily available (readily available meaning ESI that is retrievable with no expert assistance and without incurring significant costs in terms of time and expense) at their own expense. In the unlikely event that a

party seeks ESI that is not readily available and requires expert assistance in retrieving same, both sides will coordinate with each other before undertaking such expense.

Respectfully submitted this 22nd day of November, 2017.

/s/ William E. Shreve, Jr.

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